IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

OP.No. 10166 of 1998(J)

PETITIONER:

K.T. DEVASSYKUTTY,
L.D.CLERK,
AGRICULTURAL INCOME TAX AND
SALES TAX OFFICE,
KUMALY, IDUKKI DISTRICT.

BY ADV. SRI.V.P.SUKUMAR
SRI.BOBBY JOHN

RESPONDENTS:
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1. **THE BOARD OF REVENUE (TAXES),**
THIRUVANANTHAPURAM , REP.BY THE
SECRETARY (TAXES) I.

2. **THE STATE OF KERALA, REP.BY THE**
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 26/02/2007, ALONG WITH OP.25587/1999 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.Nos.10166/98 & 25587/99

Dated 26th February, 2007.

J U D G M E N T

The essential grievance raised in these writ petitions pertains to the claim made by the petitioners for revision of their seniority. The claim is rested on the contention that every 6th vacancy in the cadre of Lower Division Clerk should be filled up by Lower Division Typists. The stand of the Government is that, that is only a method of appointment and not a guiding principle for fixation of seniority. In both cases, affected persons are not on the party array. Therefore, I do not think it necessary to go into the contentions taken by the petitioners since the writ petitions cannot be considered effectively without affected persons on the party array. The writ petitions are hence dismissed without prejudice to the liberty to the petitioners to move this Court afresh after impleading the affected parties. In that view of the matter, it is made clear that the contentions are left open.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.Nos.10166/98 & 25587/99

J U D G M E N T

Dated 26th February, 2007.